

PATENT MAINTENANCE  
DIVISION

ATTORNEY DOCKET NO.: 2003946-0086

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruce A. Littlefield *et al.* Examiner: NYA  
 Serial No.: 10/687,526 Art Unit: 1625  
 Filing Date: October 16, 2003 Confirmation No.: 5226  
 Title: METHODS AND COMPOSITIONS FOR USE IN TREATING  
 CANCER

2004 JUL 22 PM 2:52

Mail Stop 16  
 Director of the US Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

Enclosed please find a copy of an Updated Filing Receipt which indicates a filing fee received amount of \$1,134.00 (\$770.00 Basic Filing Fee, \$130.00 surcharge, plus \$234.00 fee for 13 claims in excess of 20). The thirty-three original claims were cancelled and two new claims added, however, by means of a Preliminary Amendment (copy enclosed) filed June 2, 2004. Applicant therefore respectfully requests that a refund of \$234.00 be credited to our Deposit Account No. 03-1721.

No other fees or credits are believed in order in this matter. If, however, fees or credits are in order, please charge any fees or apply any further credits to our Deposit Account 03-1721.

Respectfully submitted,

*[Signature]*  
 Andrea E.C. Robidoux, Reg. No. 47,902  
 Agent for Applicants

CHOATE, HALL & STEWART  
 Exchange Place  
 53 State Street  
 Boston, MA 02109  
 Telephone (617) 248-5000  
 Facsimile (617) 248-4000  
 Dated: June 15, 2004

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450	
July 15, 2004	<i>[Signature]</i>
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Kenneth R. Mahen	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/687,526	10/16/2003	1625	1134	2003948-0088		2	1

CONFIRMATION NO. 5228  
UPDATED FILING RECEIPT  
[Barcode]  
"OC000000013094810"

24280  
Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109

Date Mailed: 06/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-8195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bruce A. Littlefield, Andover, MA;  
Murray J. Towle, Auburn, NH;

Domestic Priority data as claimed by applicant

This application is a CON of 10/272,167 10/16/2002 PAT 6,653,341  
which is a CIP of 09/843,617 04/26/2001 PAT 6,469,182  
which is a CON of 09/677,485 10/02/2000 PAT 6,365,759  
which is a CON of 09/334,488 06/16/1999 PAT 6,214,865  
which claims benefit of 60/089,662 06/17/1998

Foreign Applications

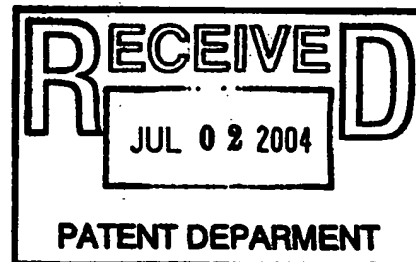
If Required, Foreign Filing License Granted: 02/04/2004

Projected Publication Date: 10/07/2004

Non-Publication Request: No

Early Publication Request: No

Title



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Methods and compositions for use in treating cancer

Preliminary Class

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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**ATTORNEY DOCKET NO. 2003946-0086**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruce A. Littlefield, et al  
Serial No.: 10/687,526  
Filing Date: October 16, 2003  
Title: METHODS AND COMPOSITIONS FOR USE IN TREATING  
CANCER

Examiner: NYA  
Art Unit: 1625

2004 JUL 22 PM 2: 52

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115**

Dear Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

**AMENDMENTS TO THE CLAIMS**

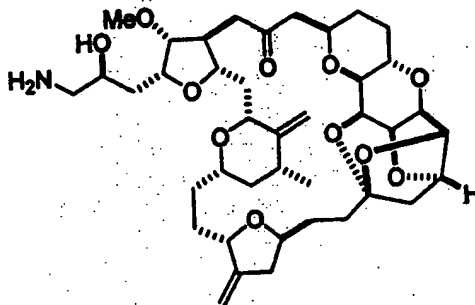
The following Listing of Claims will replace all prior versions, and listings, of claims in the application.

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**Listing of Claims:**

1. through 33. (Canceled).

34. (New) A composition comprising a compound having the formula:



or a pharmaceutically acceptable salt thereof, wherein said composition is administered with an antiemetic.

35. (New) The composition according to claim 34, wherein said antiemetic is selected from a tranquilizer, a dopamine antagonist, a serotonin antagonist, a cannabinoid, or a benzodiazepine sedative.

**REMARKS**

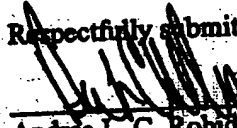
Applicants cancel original claims 1-33 and add new claims 34 and 35. Accordingly, claims 34 and 35 are pending and under consideration.

Support for new claims 34 and 35 is found in the specification as filed at page 6, last paragraph.

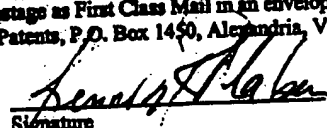
No new matter has been added.

Applicants respectfully request that the Examiner enter the indicated amendment prior to substantive examination of this application. Applicants invite the Examiner to call their agent, Andrea L. C. Robidoux at (617) 248-5124, with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,

  
Andrea L. C. Robidoux, Reg. No. 47,902  
Agent for Applicants

CHOATE, HALL & STEWART  
PATENT GROUP  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: June 2, 2004

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Filed: June 2, 2004

The Patent and Trademark Office stamping sets forth the filing and receipt date of the documents listed below for patent application identified as follows:

BHJALRINH



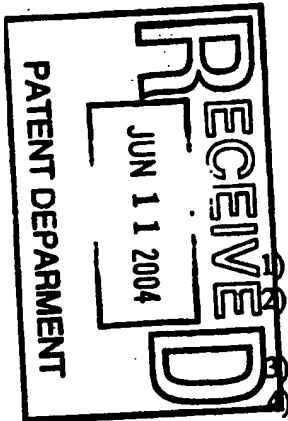
Applicant: Bruce A. Littlefield *et al.*  
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Examiner: NYA  
Art Unit: 1625  
Confirmation No.: 5226

- Response to Notice to File Missing Parts of Nonprovisional Application (2 pg.)  
Copy of Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.53(b) (2 pg.);  
Fee Transmittal for FY 2004 (1 pg.);  
Preliminary Amendment (1 pg.);  
Request for Change of Docket Number & Correspondence Address (1 pg.);  
Revocation of Previous Powers of Attorney and Appointment of Attorney Under 37 C.F.R. 3.71 (1 pg.);  
Petition for Extension of Time (1 pg.);  
Check in the amount of \$1,320.00 (Basic Filing Fee, Surcharge, and Two-Month Extension); and  
This Return Postcard.

Attorney: ALR/krm  
3705122v1

Attorney Docket No.: 2003946-0086



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Sir:

**TRANSMITTAL**

Enclosed please find the following:

1. Request for Refund (1 page);
2. Copy of Updated Filing Receipt (2 pages);
3. Copy of Preliminary Amendment filed June 2, 2004 (3 pages);
4. Copy of stamped Return Postcard evidencing receipt by the Patent and Trademark Office of Preliminary Amendment filed June 2, 2004 (1 page); and
5. Return Postcard.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

*[Signature]*  
Andrea L.C. Robidoux, Reg. No. 47,902  
Agent for Applicants

CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
Telephone (617) 248-5000  
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Dated: June 15, 2004

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Date	Signature
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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

16/28/2004 UEDUVIJE-00000019 031721-10687526-

11 FC:1202 234.00-DA

Adjustment date: 08/23/2004 EEKUBAY1  
06/28/2004 UEDUVIJE 00000019 031721 10687526  
01 FC:1202 234.00 CR

PTO-1556  
(5/87)

\*U.S. GPO: 2000-468-887/39595

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